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37 C.F.R. 1.8

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Laura S. Gilhart
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#4
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5-9-03

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Mark L. CHIVERS

Serial No.: 09/939,921

Filed: August 27, 2001

For: CLARIFICATION OF PROTEIN
PRECIPITATE SUSPENSIONS USING
ANIONIC POLYMERIC FLOCCULANTS

Confirmation No.: 5294

Group Art Unit: 1631

Examiner: BORIN, M.L.

Atty. Dkt. No.: 11916.0042.DVUS01
MOPV042--1

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RESPONSE TO RESTRICTION REQUIREMENT DATED APRIL 21, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is submitted in response to the Restriction Requirement dated April 21, 2003 for which the date for response is May 21, 2003.

It is believed that no fee is due; however, should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Deposit Account No. 01-2508/**11916.0042.DVUS01**.

In the Restriction Requirement, the Examiner required that Applicant elect one of the following inventions:

Group I: Claims 1-35, drawn to a method for preparing an aqueous somatotropin suspension.

Group II: Claims 36-52, drawn to somatotropin suspensions.

Applicant notes that this restriction requirement is moot. Claims 1 to 35 were cancelled in the preliminary amendment, filed August 27, 2002 (for the Examiner's convenience, a copy of the preliminary amendment and the return postcard corresponding therewith is enclosed). Claims 1-35 were prosecuted in the "parent" of the instant application. Consequently, only claims 36-52 are currently pending in the instant application.

Notwithstanding the foregoing, in order to be in strict compliance with 37 C.F.R. § 1.143), in response to the restriction requirement which the Examiner imposed, Applicant elects, without traverse, to prosecute claims 36-52, *i.e.*, the Group II claims.

The Examiner is invited to contact the undersigned patent agent at (713) 787-1589 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



Matthew L. Madsen
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Date: May 21, 2003